

### AMENDMENTS TO THE CLAIMS

*Please amend the claims as follows:*

1. (CURRENTLY AMENDED) An image combination method ~~of image combining a high output image data and a low output image data~~, comprising the steps of:  
image-combining high output and low output image data to form combined image data; and  
multiplying ~~a~~ the combined data of the high output image data and the low output image data by a total gain that depends on a scene.
2. (ORIGINAL) An image combination method according to claim 1,  
wherein the total gain is multiplied on the combined data of the high output image data and the low output image data in a range that the high output image data exceeds a certain value.
3. (ORIGINAL) An image combination method according to claim 2,  
wherein the range that the high output image data exceeds a certain value is range that the total gain  $p$  exceeds a value represented by [arbitrary numeral " $\alpha$ " - coefficient " $k$ "  $\times$  (high output image data after gamma-correction "high")/threshold "th")].
4. (ORIGINAL) An image combination method according claim 3,  
wherein the coefficient " $k$ " = 0.2, the arbitrary numeral " $\alpha$ " = 1, the total gain  $p$  = "0.8" for high contrast scenes, the total gain " $p$ " = 0.86 for cloudy or shady scenes, the total gain " $p$ " = 0.9 for indoor scenes under fluorescent lamp illumination.
5. (CURRENTLY AMENDED) An image pickup apparatus ~~for image combining a high output image data and a low output image data~~, comprising:  
image-combining means for image-combining a high output image data and a low output image data to form combined data; and  
multiplying means for multiplying ~~a~~ the combined data of the high output image data and the low output image data by a total gain that depends on a scene.

6. (ORIGINAL) An image pickup apparatus according to claim 5,  
wherein the multiplying means multiplies the combined data of the high output image data and the low output image data by the total gain in a range that the high output image data exceeds a certain value.
7. (ORIGINAL) An image pickup apparatus according to claim 6,  
wherein the range that the high output image data exceeds a certain value is range that the total gain  $p$  exceeds a value represented by [arbitrary numeral " $\alpha$ " - coefficient " $k$ "  $\times$  (high output image data after gamma-correction "high")/threshold "th")].
8. (ORIGINAL) An image pickup apparatus according claim 7,  
wherein the coefficient " $k$ " = 0.2, the arbitrary numeral " $\alpha$ " = 1, the total gain  $p$  = "0.8" for high contrast scenes, the total gain " $p$ " = 0.86 for cloudy or shady scenes, the total gain " $p$ " = 0.9 for indoor scenes under fluorescent lamp illumination.
9. (NEW) An image combination method according to claim 1,  
wherein the total gain depends on a scene classification selected from a group of predetermined scene classifications.
10. (NEW) An image combination method according to claim 9, wherein the scene classification is determined based on data detected by one or more sensors sensing the scene.
11. (NEW) An image combination method according to claim 9, wherein the scene classification is determined based on a selection of a scene classification by a user.
12. (NEW) An image combination method according to claim 1,  
wherein the step of image-combining the high output image data and the low output image data is performed by partially replacing a portion of one of the high output

image data and the low output image data with a portion of the other of the high output image data and the low output image data.

13. (NEW) An image combination method according to claim 1,  
wherein the step of image-combining the high output image data and the low output image data is performed by a logarithmic addition method.

14. (NEW) An image pickup apparatus according to claim 5,  
wherein the total gain depends on a scene classification selected from a group of predetermined scene classifications.

15. (NEW) An image pickup apparatus according to claim 14,  
wherein the scene classification is determined based on data detected by one or more sensors sensing the scene.

16. (NEW) An image combination method according to claim 14,  
wherein the scene classification is determined based on a selection of a scene classification by a user.

17. (NEW) An image combination method according to claim 5,  
wherein the image-combining means image-combines the high output image data and the low output image data by partially replacing a portion of one of the high output image data and the low output image data with a portion of the other of the high output image data and the low output image data.

18. (NEW) An image combination method according to claim 5,  
wherein the image-combining means image-combines the high output image data and the low output image data by a logarithmic addition method.